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HONORABLE SALVADOR MENDOZA, JR.

8 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

9 BASIN DISPOSAL, INC., a  
10 Washington corporation,

11 Plaintiff,

12 v.

13 3M COMPANY, a Delaware  
corporation; AKZO NOBEL  
14 CANADA, INC., a foreign  
corporation; BOEING COMPANY, a  
15 Delaware corporation; COLLIER  
CARBON & CHEMICAL  
16 COMPANY, a California  
corporation; CROWN BEVERAGE  
17 PACKAGING, INC., a Delaware  
corporation; DAIMLER TRUCKS  
18 NORTH AMERICA, a Delaware  
limited liability company;  
19 GEORGIA-PACIFIC LLC, a  
Delaware limited liability company;  
20 GOODRICH CORPORATION, a  
New York corporation; INTALCO  
21 ALUMINUM CORP., a Delaware  
corporation; MONSANTO  
22 COMPANY, a Delaware corporation;  
PACCAR INC, a Delaware  
23 corporation; PCC STRUCTURALS,  
INC., an Oregon corporation;  
24 PHARMACIA CORP., a Delaware  
corporation; SIMPSON TIMBER  
25 COMPANY, a Washington  
corporation; STANDARD  
26 REGISTER COMPANY, an Ohio  
corporation; WEYERHAEUSER NR

No.

**COMPLAINT FOR  
DECLARATORY JUDGMENT**

COMPLAINT FOR DECLARATORY JUDGMENT- 1

4811-6415-7990.02

**Riddell Williams P.S.**  
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1 COMPANY, a Washington  
 2 corporation; BLOUNT, INC., a  
 3 Delaware corporation; E.I. DU PONT  
 4 DE NEMOURS and CO., INC., a  
 5 Delaware corporation; MORTON  
 6 INTERNATIONAL, INC., an Indiana  
 7 corporation; PPG INDUSTRIES,  
 8 INC., a Pennsylvania corporation;  
 9 PUGET SOUND NAVAL  
 10 SHIPYARDS; SANDVIK SPECIAL  
 11 METALS, LLC, a Delaware  
 12 corporation; UNITED STATES AIR  
 13 FORCE; UNITED STATES  
 14 DEPARTMENT OF  
 15 AGRICULTURE; UNITED STATES  
 16 DEPARTMENT OF THE  
 17 INTERIOR; ZEP  
 18 MANUFACTURING, a Delaware  
 19 corporation; BAYER  
 20 CROPSCIENCE, LP, a Delaware  
 21 limited partnership; ADVANCED  
 22 ELECTROPLATING, INC., a  
 23 Washington corporation; CARR  
 24 AVIATION CONSULTING  
 25 SERVICES, INC., a Washington  
 26 corporation; COLUMBIA  
 PROCESSOR CO-OP, a Washington  
 corporation; D.G. SHELTER  
 PRODUCTS COMPANY, a  
 California corporation; DIGIORGIO  
 CORPORATION, a Washington  
 corporation; FREIGHTLINER  
 CORPORATION, a Delaware  
 corporation; FULLER-O'BRIEN  
 CORPORATION, a Washington  
 corporation; GLIDDEN  
 CORPORATION, a Delaware  
 corporation; HARBOR  
 DISTRIBUTING COMPANY, a  
 Oregon corporation; HARBOR OIL,  
 INC., a Oregon corporation;  
 HEARIN PRODUCTS, INC., a  
 Oregon corporation; HUICO, a  
 Washington corporation; JAMES  
 RIVER CORPORATION, a  
 Alabama corporation; KALAMA  
 CHEMICAL, INC., a Washington  
 corporation; LIQUID WASTE  
 DISPOSAL, INC., a Washington  
 corporation; NORTHWEST VIP  
 CORP., a Oregon corporation;

1 PIUTE ENERGY AND  
 2 TRANSPORTATION COMPANY, a  
 3 Washington corporation;  
 4 PRECISION CASTPARTS  
 5 CORPORATION, an Oregon  
 6 corporation; PUREGRO COMPANY,  
 7 a California corporation; RHONE-  
 8 POULENC CHEMICAL  
 9 COMPANY, a Delaware  
 10 corporation; WOOD TREATMENT  
 11 CHEMICAL COMPANY, a  
 12 Missouri corporation;  
 13 AGRESERVES, INC., a Utah  
 14 corporation; CHEMED CORP., a  
 15 Delaware corporation; FARMLAND  
 16 RESERVE, INC., a Utah corporation;  
 17 HOFFFMAN CORPORATION, a  
 18 Washington corporation; and  
 19 SOUTHWEST SUBURBAN  
 20 SEWER DISTRICT, a municipal  
 21 corporation of the State of  
 22 Washington

23 Defendants.

24 For its Complaint against Defendants, Plaintiff alleges as follows:

### 25 NATURE OF ACTION

26 1. This is a civil action for declaratory relief under the Comprehensive  
 Environmental Response, Compensation and Liability Act (“CERCLA”), 42  
 U.S.C. Chapter 103, and Washington’s Model Toxics Control Act (“MTCA”),  
 Chapter 70.105D RCW.

2. Plaintiff seeks an order establishing the equitable shares for response  
 and remedial action costs incurred, or to be incurred, by Plaintiff and by other past  
 and future parties in response to releases of hazardous substances at the Pasco  
 Landfill Site (the “Site”) in Pasco, Washington.



**PARTIES**

1  
2       1.     Plaintiff Basin Disposal, Inc. is a Washington corporation, and a  
3 member of the “Landfill Group”. Basin has been determined by Ecology to be a  
4 potentially liable party under MTCA for cleaning up the Site.

5       2.     The “Landfill Group” is an informal group of PLPs that include  
6 Franklin County, the City of Kennewick, BNSF Railway Company, Basin  
7 Disposal, Inc., Pasco Sanitary Landfill, Inc. and Leonard and Glenda Dietrich. The  
8 Landfill Group members are performing parties under Agreed Order No. DE9240  
9 issued by Ecology in 2012 and under previous Orders issued by Ecology. They  
10 have been performing remedial actions under that Order, on an ongoing basis,  
11 largely pertaining to the municipal waste disposal areas at the landfill.

12       3.     Defendant 3M COMPANY is a Delaware corporation that has been  
13 determined by Ecology to be a potentially liable party under MTCA for cleaning  
14 up the Site. 3M Company is a mining and manufacturing company that contracted  
15 to have its hazardous wastes transported to the Site for disposal during the 1970s.

16       4.     Defendant Akzo Nobel Canada, Inc. is a foreign corporation that has  
17 been determined by Ecology to be a potentially liable party under MTCA for  
18 cleaning up the Site. Akzo Nobel Canada is the successor-in-interest to Canadian  
19 Industries, Ltd. Upon information and belief, Canadian Industries manufactured  
20 agricultural and industrial chemicals. Canadian Industries contracted to have its  
21 hazardous wastes transported to the Site for disposal during the 1970s.

22       5.     Defendant Boeing Company is a Delaware corporation that has been  
23 determined by Ecology to be a potentially liable party under MTCA for cleaning  
24 up the Site. Boeing designs and manufacturers aerospace equipment in  
25 Washington State. Boeing contracted to have wastes from its Auburn, Renton, and  
26

1 Seattle plants transported to the Site for disposal during the 1970s. Those wastes  
2 included beryllium, flammable liquid sludge, oils, and oil sludge.

3 6. Defendant Collier Carbon & Chemical Company is a California  
4 corporation that has been determined by Ecology to be a potentially liable party  
5 under MTCA for cleaning up the Site. Upon information and belief, Collier  
6 Carbon & Chemical Company is a petroleum explorer and marketer. It contracted  
7 to have its hazardous industrial wastes transported to the Site for disposal in the  
8 1970s.

9 7. Defendant Crown Beverage Packaging, Inc. is a Delaware corporation  
10 that has been determined by Ecology to be a potentially liable party under MTCA  
11 for cleaning up the Site. Upon information and belief, Crown Beverage Packaging,  
12 Inc. is the successor in interest to Crown Cork and Seal Company. Crown Cork  
13 manufactured beverage and food cans, and contracted to have its industrial wastes,  
14 including chromium sludge, transported to the Site for disposal during the 1970s.

15 8. Defendant Daimler Trucks North America is a Delaware limited  
16 liability company that has been determined by Ecology to be a potentially liable  
17 party under MTCA for cleaning up the Site. Daimler Trucks manufactures  
18 commercial vehicles. In connection with those operations, it contracted to have its  
19 hazardous wastes transported to the Site for disposal during the 1970s.

20 9. Defendant Georgia-Pacific LLC is a Delaware limited liability  
21 company that has been determined by Ecology to be a potentially liable party  
22 under MTCA for cleaning up the Site. It manufactures tissue, pulp, paper, and  
23 related chemicals. Georgia-Pacific LLC contracted to have its hazardous wastes  
24 transported for disposal to the Site during the 1970s. In 1991, there was a  
25 significant release of calcium hypochlorite at the Site, which originated from  
26 Georgia-Pacific's disposals.



1           10. Defendant Goodrich Corporation is a New York corporation that has  
2 been determined by Ecology to be a potentially liable party under MTCA for  
3 cleaning up the Site. It is a tire and rubber manufacturer. Goodrich contracted to  
4 have its hazardous wastes transported to the Site for disposal.

5           11. Defendant Intalco Aluminum Corp. is a Delaware corporation that has  
6 been determined by Ecology to be a potentially liable party under MTCA for  
7 cleaning up the Site. It is a manufacturer of aluminum. Intalco contracted to have  
8 its hazardous wastes, including therminol and other industrial solvents, transported  
9 to the Site for disposal in the 1970s.

10          12. Defendant Monsanto Company is a Delaware corporation that has  
11 been determined by Ecology to be a potentially liable party under MTCA for  
12 cleaning up the Site. Monsanto manufactures agricultural chemicals. Monsanto  
13 contracted to have its hazardous wastes transported to the Site for disposal in the  
14 1970s. Those wastes included Noxtane, vanillin sludge, PCB phosphate-ester and  
15 bright oil waste.

16          13. Defendant PACCAR INC. is a Delaware corporation that has been  
17 determined by Ecology to be a potentially liable party under MTCA for cleaning  
18 up the Site. PACCAR is the successor-in-interest to Pacific Car and Foundry,  
19 which was a steel manufacturer. Pacific Car and Foundry contracted to have its  
20 hazardous wastes transported to the Site for disposal in the 1970s.

21          14. Defendant PCC Structurals, Inc. is an Oregon corporation that has  
22 been determined by Ecology to be a potentially liable party under MTCA for  
23 cleaning up the Site. It manufactures aluminum and titanium casings. Upon  
24 information and belief, it contracted to have its hazardous substances transported to  
25 the Site for disposal.

1           15. Defendant Pharmacia Corp. is a Delaware corporation that has been  
2 determined by Ecology to be a potentially liable party under MTCA for cleaning  
3 up the Site. It is a pharmaceutical company. Upon information and belief, it  
4 contracted to have its hazardous substances transported to the Site for disposal.

5           16. Defendant Simpson Timber Company is a Washington corporation  
6 that has been determined by Ecology to be a potentially liable party under MTCA  
7 for cleaning up the Site. Simpson Timber manufactures forest products. It  
8 contracted to have its hazardous wastes transported to the Site for disposal in the  
9 1970s.

10           17. Defendant Standard Register Company is an Ohio corporation that has  
11 been determined by Ecology to be a potentially liable party under MTCA for  
12 cleaning up the Site. It provides communication services for industrial operations.  
13 It contracted to have its hazardous substances transported to the Site for disposal.

14           18. Defendant Weyerhaeuser NR Company is a Washington corporation  
15 that has been determined by Ecology to be a potentially liable party under MTCA  
16 for cleaning up the Site. It manufactures wood and cellulose fiber products.  
17 Weyerhaeuser contracted to have its hazardous substances transported to the Site  
18 for disposal in the 1970s.

19           19. Defendant Blount, Inc. is a Delaware corporation that has been  
20 determined by Ecology to be a potentially liable party under MTCA for cleaning  
21 up the Site. Blount is the successor in interest to Omark Industries. Upon  
22 information and belief, Omark Industries manufactured chain saws. Omark  
23 Industries contracted to have its wastes transported to the Site for disposal in the  
24 1970s. The wastes included chromic hydroxic sludge, chrome, iron, zinc,  
25 manganese, and nickel.  
26



1           20. Defendant E.I. Du Pont De Nemours and Co., Inc. is a Delaware  
2 corporation that has been determined by Ecology to be a potentially liable party  
3 under MTCA for cleaning up the Site. E.I Du Pont manufactures chemicals for use  
4 in a broad range of industrial applications. In connection with those operations, it  
5 contracted to have its wastes transported to the Site for disposal during the 1970s.

6           21. Defendant Morton International, Inc. is an Indiana corporation that  
7 has been determined by Ecology to be a potentially liable party under MTCA for  
8 cleaning up the Site. Upon information and belief, it is the successor-in-interest to  
9 Morton Chemical Company, a chemical manufacturer. Morton Chemical Company  
10 contracted to transport its hazardous wastes to the Site for disposal in the 1970s.  
11 Those wastes included pesticides.

12           22. Defendant PPG Industries, Inc. is a Pennsylvania corporation that has  
13 been determined by Ecology to be a potentially liable party under MTCA for  
14 cleaning up the Site. PPG manufactures paints, coatings, chemicals, and glass. It  
15 contracted to have its wastes transported to the Site for disposal.

16           23. Defendant Puget Sound Naval Shipyards has been determined by  
17 Ecology to be a potentially liable party under MTCA for cleaning up the Site. It  
18 contracted to have its hazardous wastes transported to the Site for disposal in the  
19 1970s.

20           24. Defendant Sandvik Special Metals, LLC is a Delaware corporation  
21 that has been determined by Ecology to be a potentially liable party under MTCA  
22 for cleaning up the Site. Sandvik is a tooling, materials technology, and mining  
23 and construction company. Sandvik contracted to have its hazardous industrial  
24 wastes transported to the Site for disposal.

25           25. Defendant United States Air Force has been determined by Ecology to  
26 be a potentially liable party under MTCA for cleaning up the Site. It contracted to



1 have its hazardous wastes transported to the Site for disposal in the 1970s. Those  
2 wastes included cadmium cyanide, copper cyanide, and sodium cyanide.

3 26. Defendant United States Department of Agriculture has been  
4 determined by Ecology to be a potentially liable party under MTCA for cleaning  
5 up the Site. It contracted to have its hazardous wastes, including pesticides and  
6 residues, transported to the Site for disposal in the 1970s.

7 27. Defendant United States Department of the Interior has been  
8 determined by Ecology to be a potentially liable party under MTCA for cleaning  
9 up the Site. It contracted to have its wastes transported to the Site for disposal.

10 28. Defendant Zep Manufacturing is a Delaware corporation that has been  
11 determined by Ecology to be a potentially liable party under MTCA for cleaning  
12 up the Site. Zep is an industrial manufacturing company that contracted to  
13 transport its hazardous wastes to the Site for disposal in the 1970s.

14 29. Defendant Bayer CropScience, LP is a Delaware limited partnership  
15 that has been determined by Ecology to be a potentially liable party under MTCA  
16 for cleaning up the Site. It manufactures agricultural products. It contracted to  
17 have its hazardous wastes transported to the Site for disposal.

18 30. Upon information and belief, Defendant Advanced Electroplating,  
19 Inc. is a Washington corporation, which performed electroplating operations, and  
20 contracted to have its hazardous wastes transported to the Site for disposal.  
21 Advanced Electroplating has been determined by Ecology to be a potentially liable  
22 party under MTCA for cleaning up the Site.

23 31. Defendant Carr Aviation Consulting Services, Inc. is a Washington  
24 corporation. Upon information and belief, Carr Aviation Consulting Services is  
25 the successor-in-interest to Carr Aviation, Inc., an aviation manufacturer that has  
26 been determined by Ecology to be a potentially liable party under MTCA for

1 cleaning up the Site. Carr Aviation, Inc. contracted to have its hazardous wastes,  
2 including pesticides, transported to the Site for disposal.

3 32. Upon information and belief, Defendant Columbia Processor Co-op is  
4 a Washington corporation. Columbia Processor Co-op has been determined by  
5 Ecology to be a potentially liable party under MTCA for cleaning up the Site. It  
6 contracted to have hazardous wastes, including cadmium, transported to the Site  
7 for disposal.

8 33. Upon information and belief, Defendant D.G. Shelter Products  
9 Company is a California corporation. It has been determined by Ecology to be a  
10 potentially liable party under MTCA for cleaning up the Site. D.G. Shelter  
11 Products contracted to have its hazardous industrial wastes, including solvents,  
12 transported to the Site for disposal.

13 34. Upon information and belief, Defendant DiGiorgio Corporation is a  
14 Washington corporation. It has been determined by Ecology to be a potentially  
15 liable party under MTCA for cleaning up the Site. DiGiorgio Cooperation  
16 contracted to have its hazardous industrial wastes, including solvents, transported  
17 to the Site for disposal.

18 35. Upon information and belief, Freightliner Corporation is a Delaware  
19 corporation. It has been determined by Ecology to be a potentially liable party  
20 under MTCA for cleaning up the Site. Freightliner contracted to have its  
21 hazardous industrial wastes, including solvents, transported to the Site for disposal.

22 36. Upon information and belief, Defendant Fuller-O'Brien Corporation  
23 is a Washington corporation. It has been determined by Ecology to be a  
24 potentially liable party under MTCA for cleaning up the Site. Fuller-O'Brien  
25 contracted to have its hazardous industrial wastes, including waste paint,  
26 transported to the Site for disposal.



1           37. Upon information and belief, Defendant Glidden Corporation is a  
2 Delaware corporation. It has been determined by Ecology to be a potentially liable  
3 party under MTCA for cleaning up the Site. Glidden contracted to have its  
4 hazardous industrial wastes, including waste paint and glue, transported to the Site  
5 for disposal.

6           38. Upon information and belief, Defendant Harbor Distributing  
7 Company is a Oregon corporation. It has been determined by Ecology to be a  
8 potentially liable party under MTCA for cleaning up the Site. Harbor Distributing  
9 contracted to have its hazardous industrial wastes, including waste paint and glue,  
10 transported to the Site for disposal.

11           39. Upon information and belief, Defendant Harbor Oil, Inc. is a Oregon  
12 corporation. It has been determined by Ecology to be a potentially liable party  
13 under MTCA for cleaning up the Site. Harbor Oil contracted to have its hazardous  
14 industrial wastes, including waste paint and glue, transported to the Site for  
15 disposal.

16           40. Upon information and belief, Defendant Hearin Products, Inc. is a  
17 Oregon corporation. It has been determined by Ecology to be a potentially liable  
18 party under MTCA for cleaning up the Site. Hearin Products contracted to have its  
19 hazardous wastes, including solvents, transported to the Site for disposal.

20           41. Upon information and belief, Defendant HUICO is a Washington  
21 corporation. It has been determined by Ecology to be a potentially liable party  
22 under MTCA for cleaning up the Site. HUICO contracted to have its hazardous  
23 wastes, including solvents, transported to the Site for disposal.

24           42. Upon information and belief, Defendant James River Corporation is a  
25 Alabama corporation. It has been determined by Ecology to be a potentially liable  
26

1 party under MTCA for cleaning up the Site. James River contracted to have its  
2 hazardous wastes transported to the Site for disposal.

3 43. Upon information and belief, Defendant Kalama Chemical, Inc. is a  
4 Washington corporation. It has been determined by Ecology to be a potentially  
5 liable party under MTCA for cleaning up the Site. Kalama Chemical contracted to  
6 have its hazardous wastes, including tar, transported to the Site for disposal.

7 44. Upon information and belief, Defendant Liquid Waste Disposal, Inc.  
8 is a Washington corporation. It has been determined by Ecology to be a  
9 potentially liable party under MTCA for cleaning up the Site. Liquid Waste  
10 Disposal contracted to have its hazardous wastes transported to the Site for  
11 disposal.

12 45. Upon information and belief, Defendant Northwest VIP Corp. is a  
13 Oregon corporation. It has been determined by Ecology to be a potentially liable  
14 party under MTCA for cleaning up the Site. Northwest VIP contracted to have its  
15 hazardous wastes transported to the Site for disposal.

16 46. Defendant Piute Energy and Transportation Company is a Washington  
17 Corporation. Upon information and belief, Piute Energy and Transportation  
18 Company is the successor-in-interest to Pacific Inland Navigation Company, who  
19 has been determined by Ecology to be a potentially liable party under MTCA for  
20 cleaning up the Site. Pacific Inland contracted to have its hazardous wastes,  
21 including contaminated oil and sludge, transported to the Site for disposal.

22 47. Defendant Precision Castparts Corporation is an Oregon corporation  
23 that has been determined by Ecology to be a potentially liable party under MTCA  
24 for cleaning up the Site. Precision Castparts is an industrial goods and metal  
25 fabrication company that manufactures castings and forged components. It  
26



1 contracted to have its hazardous wastes, including nitric acid and hydrochloric  
2 acid, transported to the Site for disposal.

3 48. Defendant PureGro Company is a California corporation that has  
4 been determined by Ecology to be a potentially liable party under MTCA for  
5 cleaning up the Site. PureGro is an agricultural and horticultural resource  
6 company. It contracted to have its hazardous wastes transported to the Site for  
7 disposal.

8 49. Upon information and belief, Defendant Rhone-Poulenc Chemical  
9 Company is a Delaware corporation. It has been determined by Ecology to be a  
10 potentially liable party under MTCA for cleaning up the Site. Rhone-Poulenc  
11 contracted to have its hazardous wastes transported to the Site for disposal.

12 50. Upon information and belief, Defendant Wood Treatment Chemical  
13 Company is a Missouri corporation. It has been determined by Ecology to be a  
14 potentially liable party under MTCA for cleaning up the Site. It contracted to have  
15 its hazardous wastes transported to the Site for disposal.

16 51. Defendant Agreserves, Inc. is a Utah corporation. Upon information  
17 and belief, it contracted to have its hazardous wastes transported to the Site for  
18 disposal.

19 52. Defendant Chemed Corp. is a Delaware corporation. Upon  
20 information and belief, it contracted to have its hazardous wastes transported to the  
21 Site for disposal.

22 53. Defendant Farmland Reserve, Inc. is a Utah corporation. Upon  
23 information and belief, it contracted to have its hazardous wastes transported to the  
24 Site for disposal.  
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1           54. Defendant Hoffman Corporation is a Washington corporation. Upon  
2 information and belief, it contracted to have its hazardous wastes transported to the  
3 Site for disposal.

4           55. Defendant Southwest Suburban Sewer District is a municipal  
5 corporation of the State of Washington. Upon information and belief, it contracted  
6 to have its hazardous wastes transported to the Site for disposal.

7                           **JURISDICTION AND VENUE**

8           56. This Court has jurisdiction over this action and the Defendants under  
9 42 U.S.C. § 9613(b) and 28 U.S.C. § 1331.

10          57. Venue is proper in this District under 42 U.S.C. § 9613(b), 28 U.S.C.  
11 § 1391(b), and because the claims arose in this District and releases of hazardous  
12 substances occurred in this District.

13                           **FACTUAL BACKGROUND**

14          58. In 1958, the Franklin County Planning commission authorized the  
15 establishment and operation of a garbage disposal facility at the Site. The facility  
16 was operated as a burn dump until 1971, when it was converted to a sanitary  
17 landfill.

18          59. Defendants arranged to have their industrial wastes transported to the  
19 Site for disposal from approximately 1971 to 1974. Drummed wastes were buried,  
20 and bulk liquids were discharged to waste “lagoons” and evaporated or infiltrated  
21 into the ground. The area where these wastes were placed is referred to as the  
22 Industrial Waste Area, and is divided into Five Zones: A, B, C, D, and E.

23          60. The industrial waste lagoons and drum disposal sites were operated at  
24 the disposal facility through at least the end of 1974. During that three year period,  
25 approximately 35,000 drums of mixed organic and inorganic industrial wastes,  
26 5,000 drums of chlorinated herbicide manufacturing wastes, 3,000,000 gallons of



1 non-containerized industrial wastes, and 11,000 tons of chlor-alkali sludge and  
2 carbon electrode wastes were placed in Zones A through E.

3 61. Much of the industrial wastes at the Site were generated by the  
4 Defendants in the process of their business operations. The Defendants arranged to  
5 have those wastes transported to and disposed of at the Site. Those wastes have  
6 resulted in releases of hazardous substances at the Site.

7 62. The Defendants knew or should have known of the risks associated  
8 with hazardous waste disposal at the Pasco Landfill.

9 63. The Defendants knew or should have known of the risks of  
10 transporting hazardous waste to the Site without sufficient controls to protect  
11 against a release into the environment.

12 64. Certain of the Defendants were intimately involved in the processes  
13 that caused the release of a significant amount of extremely toxic substances at the  
14 Site.

15 65. The Defendants failed to exercise reasonable care when they arranged  
16 to have their wastes transported to and disposed of at the Site.

17 66. In 1990, the Site was listed as a National Priority List ("NPL") site by  
18 the United States Environmental Protection Agency ("EPA"), based on the  
19 hazardous substances in the Site media, including groundwater.

20 67. Ecology was established as the lead agency for the cleanup  
21 investigations and remedial actions taken at the Site pursuant to an agreement with  
22 EPA regarding site management and supervision of the implementation of a  
23 remedy under CERCLA and MTCA.

24 68. In 1992, a group of potentially liable parties ("PLPs") started a Phase  
25 I Remedial Investigation ("RI") to develop information on the nature and extent of  
26

1 contamination in the soil, soil gas, and groundwater near potential contaminant  
2 sources at the Site.

3 69. The Phase I RI confirmed the presence of site-related contamination  
4 in soil, soil gas, and groundwater at levels exceeding then applicable cleanup levels  
5 under MTCA.

6 70. In November 1994, Ecology ordered certain PLPs to perform a Phase  
7 II RI and Feasibility Study (FS) to further define and characterize the source,  
8 nature, degree, and extent of contamination at the Site.

9 71. The Phase II RI Report confirmed that hazardous substances had been  
10 “released” to the environment, within the meaning of RCW 70.105D.020(20). The  
11 FS was completed and accepted as final by Ecology in October 1999.

12 72. In ensuing years, Plaintiff executed an Agreed Order with Ecology,  
13 most recently updated and amended in 2012, under which Plaintiff is responsible  
14 for performing remedial measures at the Site.

15 73. Plaintiff has incurred, and continues to incur, substantial costs in  
16 connection with these activities.

17 74. Interim Remedial Measures taken at the site include installation,  
18 testing, and operation of a soil vapor extraction (SVE) system and groundwater  
19 treatment system. Further actions have been taken, including installation of  
20 engineered landfill caps, removal of drums, institutional controls implementation,  
21 and expansion of and upgrades to systems in place.

22 75. Plaintiff continues to diligently perform its obligations under the  
23 Agreed Order in good faith.

24 76. Defendant 3M COMPANY knew or should have known about the  
25 appropriate handling process and the industry standards for the proper disposal of  
26 hazardous substances.



1           77. Defendant 3M COMPANY failed to comply with the appropriate  
2 handling process and the industry standards for proper disposal of hazardous  
3 substances.

4           78. Defendant Akzo Nobel Canada, Inc. knew or should have known  
5 about the appropriate handling process and the industry standards for the proper  
6 disposal of hazardous substances.

7           79. Defendant Akzo Nobel Canada, Inc. failed to comply with the  
8 appropriate handling process and the industry standards for proper disposal of  
9 hazardous substances.

10          80. Defendant Boeing Company knew or should have known about the  
11 appropriate handling process and the industry standards for the proper disposal of  
12 hazardous substances.

13          81. Defendant Boeing Company failed to comply with the appropriate  
14 handling process and the industry standards for proper disposal of hazardous  
15 substances.

16          82. Defendant Collier Carbon & Chemical Company knew or should have  
17 known about the appropriate handling process and the industry standards for the  
18 proper disposal of hazardous substances.

19          83. Defendant Collier Carbon & Chemical Company failed to comply  
20 with the appropriate handling process and the industry standards for proper  
21 disposal of hazardous substances.

22          84. Defendant Crown Beverage Packaging, Inc. knew or should have  
23 known about the appropriate handling process and the industry standards for the  
24 proper disposal of hazardous substances.  
25  
26

1           85. Defendant Crown Beverage Packaging, Inc. failed to comply with the  
2 appropriate handling process and the industry standards for proper disposal of  
3 hazardous substances.

4           86. Defendant Daimler Trucks North America knew or should have  
5 known about the appropriate handling process and the industry standards for the  
6 proper disposal of hazardous substances.

7           87. Defendant Daimler Trucks North America failed to comply with the  
8 appropriate handling process and the industry standards for proper disposal of  
9 hazardous substances.

10          88. Defendant Georgia-Pacific LLC knew or should have known about  
11 the appropriate handling process and the industry standards for the proper disposal  
12 of hazardous substances.

13          89. Defendant Georgia-Pacific LLC failed to comply with the appropriate  
14 handling process and the industry standards for proper disposal of hazardous  
15 substances.

16          90. Defendant Goodrich Corporation knew or should have known about  
17 the appropriate handling process and the industry standards for the proper disposal  
18 of hazardous substances.

19          91. Defendant Goodrich Corporation failed to comply with the  
20 appropriate handling process and the industry standards for proper disposal of  
21 hazardous substances.

22          92. Defendant Intalco Aluminum Corp. knew or should have known about  
23 the appropriate handling process and the industry standards for the proper disposal  
24 of hazardous substances.



1           93. Defendant Intalco Aluminum Corp. failed to comply with the  
2 appropriate handling process and the industry standards for proper disposal of  
3 hazardous substances.

4           94. Defendant Monsanto Company knew or should have known about the  
5 appropriate handling process and the industry standards for the proper disposal of  
6 hazardous substances.

7           95. Defendant Monsanto Company failed to comply with the appropriate  
8 handling process and the industry standards for proper disposal of hazardous  
9 substances.

10          96. Defendant PACCAR INC. knew or should have known about the  
11 appropriate handling process and the industry standards for the proper disposal of  
12 hazardous substances.

13          97. Defendant PACCAR INC. failed to comply with the appropriate  
14 handling process and the industry standards for proper disposal of hazardous  
15 substances.

16          98. Defendant PCC Structurals, Inc. knew or should have known about  
17 the appropriate handling process and the industry standards for the proper disposal  
18 of hazardous substances.

19          99. Defendant PCC Structurals, Inc. failed to comply with the appropriate  
20 handling process and the industry standards for proper disposal of hazardous  
21 substances.

22          100. Defendant Pharmacia Corp. knew or should have known about the  
23 appropriate handling process and the industry standards for the proper disposal of  
24 hazardous substances.  
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1           101. Defendant Pharmacia Corp. failed to comply with the appropriate  
2 handling process and the industry standards for proper disposal of hazardous  
3 substances.

4           102. Defendant Simpson Timber Company knew or should have known  
5 about the appropriate handling process and the industry standards for the proper  
6 disposal of hazardous substances.

7           103. Defendant Simpson Timber Company failed to comply with the  
8 appropriate handling process and the industry standards for proper disposal of  
9 hazardous substances.

10          104. Defendant Standard Register Company knew or should have known  
11 about the appropriate handling process and the industry standards for the proper  
12 disposal of hazardous substances.

13          105. Defendant Standard Register Company failed to comply with the  
14 appropriate handling process and the industry standards for proper disposal of  
15 hazardous substances.

16          106. Defendant Weyerhaeuser NR Company knew or should have known  
17 about the appropriate handling process and the industry standards for the proper  
18 disposal of hazardous substances.

19          107. Defendant Weyerhaeuser NR Company failed to comply with the  
20 appropriate handling process and the industry standards for proper disposal of  
21 hazardous substances.

22          108. Defendant Blount, Inc. knew or should have known about the  
23 appropriate handling process and the industry standards for the proper disposal of  
24 hazardous substances.

25          109. Defendant Blount, Inc. failed to comply with the appropriate handling  
26 process and the industry standards for proper disposal of hazardous substances.



1 110. Defendant E.I. Du Pont Nemours and Co., Inc. knew or should have  
2 known about the appropriate handling process and the industry standards for the  
3 proper disposal of hazardous substances.

4 111. Defendant E.I. Du Pont Nemours and Co., Inc. failed to comply with  
5 the appropriate handling process and the industry standards for proper disposal of  
6 hazardous substances.

7 112. Defendant Morton International, Inc. knew or should have known  
8 about the appropriate handling process and the industry standards for the proper  
9 disposal of hazardous substances.

10 113. Defendant Morton International, Inc. failed to comply with the  
11 appropriate handling process and the industry standards for proper disposal of  
12 hazardous substances.

13 114. Defendant PPG Industries, Inc. knew or should have known about the  
14 appropriate handling process and the industry standards for the proper disposal of  
15 hazardous substances.

16 115. Defendant PPG Industries, Inc. failed to comply with the appropriate  
17 handling process and the industry standards for proper disposal of hazardous  
18 substances.

19 116. Defendant Puget Sound Naval Shipyards knew or should have known  
20 about the appropriate handling process and the industry standards for the proper  
21 disposal of hazardous substances.

22 117. Defendant Puget Sound Naval Shipyards failed to comply with the  
23 appropriate handling process and the industry standards for proper disposal of  
24 hazardous substances.  
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1 118. Defendant Sandvik Special Metals, LLC knew or should have known  
2 about the appropriate handling process and the industry standards for the proper  
3 disposal of hazardous substances.

4 119. Defendant Sandvik Special Metals, LLC failed to comply with the  
5 appropriate handling process and the industry standards for proper disposal of  
6 hazardous substances.

7 120. Defendant United States Air Force knew or should have known about  
8 the appropriate handling process and the industry standards for the proper disposal  
9 of hazardous substances.

10 121. Defendant United States Air Force failed to comply with the  
11 appropriate handling process and the industry standards for proper disposal of  
12 hazardous substances.

13 122. Defendant United States Department of Agriculture knew or should  
14 have known about the appropriate handling process and the industry standards for  
15 the proper disposal of hazardous substances.

16 123. Defendant United States Department of Agriculture failed to comply  
17 with the appropriate handling process and the industry standards for proper  
18 disposal of hazardous substances.

19 124. Defendant United States Department of the Interior knew or should  
20 have known about the appropriate handling process and the industry standards for  
21 the proper disposal of hazardous substances.

22 125. Defendant United States Department of the Interior failed to comply  
23 with the appropriate handling process and the industry standards for proper  
24 disposal of hazardous substances.  
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1           126. Defendant Zep Manufacturing knew or should have known about the  
2 appropriate handling process and the industry standards for the proper disposal of  
3 hazardous substances.

4           127. Defendant Zep Manufacturing failed to comply with the appropriate  
5 handling process and the industry standards for proper disposal of hazardous  
6 substances.

7           128. Defendant Bayer CropScience, LP knew or should have known about  
8 the appropriate handling process and the industry standards for the proper disposal  
9 of hazardous substances.

10          129. Defendant Bayer CropScience, LP failed to comply with the  
11 appropriate handling process and the industry standards for proper disposal of  
12 hazardous substances.

13          130. Defendant Advanced Electroplating, Inc. knew or should have known  
14 about the appropriate handling process and the industry standards for the proper  
15 disposal of hazardous substances.

16          131. Defendant Advanced Electroplating, Inc. failed to comply with the  
17 appropriate handling process and the industry standards for proper disposal of  
18 hazardous substances.

19          132. Defendant Carr Aviation Consulting Services, Inc. knew or should  
20 have known about the appropriate handling process and the industry standards for  
21 the proper disposal of hazardous substances.

22          133. Defendant Carr Aviation Consulting Services, Inc. failed to comply  
23 with the appropriate handling process and the industry standards for proper  
24 disposal of hazardous substances.  
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1           134. Defendant Columbia Processer Co-op knew or should have known  
2 about the appropriate handling process and the industry standards for the proper  
3 disposal of hazardous substances.

4           135. Defendant Columbia Processer Co-op failed to comply with the  
5 appropriate handling process and the industry standards for proper disposal of  
6 hazardous substances.

7           136. Defendant D.G. Shelter Products Company knew or should have  
8 known about the appropriate handling process and the industry standards for the  
9 proper disposal of hazardous substances.

10          137. Defendant D.G. Shelter Products Company failed to comply with the  
11 appropriate handling process and the industry standards for proper disposal of  
12 hazardous substances.

13          138. Defendant DiGiorgio Corporation knew or should have known about  
14 the appropriate handling process and the industry standards for the proper disposal  
15 of hazardous substances.

16          139. Defendant DiGiorgio Corporation failed to comply with the  
17 appropriate handling process and the industry standards for proper disposal of  
18 hazardous substances.

19          140. Defendant Freightliner Corporation knew or should have known about  
20 the appropriate handling process and the industry standards for the proper disposal  
21 of hazardous substances.

22          141. Defendant Freightliner Corporation failed to comply with the  
23 appropriate handling process and the industry standards for proper disposal of  
24 hazardous substances.  
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1           142. Defendant Fuller-O'Brien Corporation knew or should have known  
2 about the appropriate handling process and the industry standards for the proper  
3 disposal of hazardous substances.

4           143. Defendant Fuller-O'Brien Corporation failed to comply with the  
5 appropriate handling process and the industry standards for proper disposal of  
6 hazardous substances.

7           144. Defendant Glidden Corporation knew or should have known about the  
8 appropriate handling process and the industry standards for the proper disposal of  
9 hazardous substances.

10          145. Defendant Glidden Corporation failed to comply with the appropriate  
11 handling process and the industry standards for proper disposal of hazardous  
12 substances.

13          146. Defendant Harbor Distributing Company knew or should have known  
14 about the appropriate handling process and the industry standards for the proper  
15 disposal of hazardous substances.

16          147. Defendant Harbor Distributing Company failed to comply with the  
17 appropriate handling process and the industry standards for proper disposal of  
18 hazardous substances.

19          148. Defendant Harbor Oil, Inc. knew or should have known about the  
20 appropriate handling process and the industry standards for the proper disposal of  
21 hazardous substances.

22          149. Defendant Harbor Oil, Inc. failed to comply with the appropriate  
23 handling process and the industry standards for proper disposal of hazardous  
24 substances.

1           150. Defendant Hearin Products, Inc. knew or should have known about  
2 the appropriate handling process and the industry standards for the proper disposal  
3 of hazardous substances.

4           151. Defendant Hearin Products, Inc. failed to comply with the appropriate  
5 handling process and the industry standards for proper disposal of hazardous  
6 substances.

7           152. Defendant HUICO knew or should have known about the appropriate  
8 handling process and the industry standards for the proper disposal of hazardous  
9 substances.

10          153. Defendant HUICO failed to comply with the appropriate handling  
11 process and the industry standards for proper disposal of hazardous substances.

12          154. Defendant James River Corporation knew or should have known  
13 about the appropriate handling process and the industry standards for the proper  
14 disposal of hazardous substances.

15          155. Defendant James River Corporation failed to comply with the  
16 appropriate handling process and the industry standards for proper disposal of  
17 hazardous substances.

18          156. Defendant Kalama Chemical, Inc. knew or should have known about  
19 the appropriate handling process and the industry standards for the proper disposal  
20 of hazardous substances.

21          157. Defendant Kalama Chemical, Inc. failed to comply with the  
22 appropriate handling process and the industry standards for proper disposal of  
23 hazardous substances.

24          158. Defendant Liquid Waste Disposal, Inc. knew or should have known  
25 about the appropriate handling process and the industry standards for the proper  
26 disposal of hazardous substances.



1           159. Defendant Liquid Waste Disposal, Inc. failed to comply with the  
2 appropriate handling process and the industry standards for proper disposal of  
3 hazardous substances.

4           160. Defendant Northwest VIP Corp. knew or should have known about  
5 the appropriate handling process and the industry standards for the proper disposal  
6 of hazardous substances.

7           161. Defendant Northwest VIP Corp. failed to comply with the appropriate  
8 handling process and the industry standards for proper disposal of hazardous  
9 substances.

10          162. Defendant Piute Energy and Transportation Company knew or should  
11 have known about the appropriate handling process and the industry standards for  
12 the proper disposal of hazardous substances.

13          163. Defendant Piute Energy and Transportation Company failed to  
14 comply with the appropriate handling process and the industry standards for proper  
15 disposal of hazardous substances.

16          164. Defendant Precision Castparts Corporation knew or should have  
17 known about the appropriate handling process and the industry standards for the  
18 proper disposal of hazardous substances.

19          165. Defendant Precision Castparts Corporation failed to comply with the  
20 appropriate handling process and the industry standards for proper disposal of  
21 hazardous substances.

22          166. Defendant PureGro Company knew or should have known about the  
23 appropriate handling process and the industry standards for the proper disposal of  
24 hazardous substances.  
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1           167. Defendant PureGro Company failed to comply with the appropriate  
2 handling process and the industry standards for proper disposal of hazardous  
3 substances.

4           168. Defendant Rhone-Poulenc Chemical Company knew or should have  
5 known about the appropriate handling process and the industry standards for the  
6 proper disposal of hazardous substances.

7           169. Defendant Rhone-Poulenc Chemical Company failed to comply with  
8 the appropriate handling process and the industry standards for proper disposal of  
9 hazardous substances.

10          170. Defendant Wood Treatment Chemical Company knew or should have  
11 known about the appropriate handling process and the industry standards for the  
12 proper disposal of hazardous substances.

13          171. Defendant Wood Treatment Chemical Company failed to comply with  
14 the appropriate handling process and the industry standards for proper disposal of  
15 hazardous substances.

16          172. Defendant Agreserves, Inc. knew or should have known about the  
17 appropriate handling process and the industry standards for the proper disposal of  
18 hazardous substances.

19          173. Defendant Agreserves, Inc. failed to comply with the appropriate  
20 handling process and the industry standards for proper disposal of hazardous  
21 substances.

22          174. Defendant Chemed Corp. knew or should have known about the  
23 appropriate handling process and the industry standards for the proper disposal of  
24 hazardous substances.  
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1           175. Defendant Chemed Corp. failed to comply with the appropriate  
2 handling process and the industry standards for proper disposal of hazardous  
3 substances.

4           176. Defendant Farmland Reserve, Inc. knew or should have known about  
5 the appropriate handling process and the industry standards for the proper disposal  
6 of hazardous substances.

7           177. Defendant Farmland Reserve, Inc. failed to comply with the  
8 appropriate handling process and the industry standards for proper disposal of  
9 hazardous substances.

10          178. Defendant Hoffman Corporation knew or should have known about  
11 the appropriate handling process and the industry standards for the proper disposal  
12 of hazardous substances.

13          179. Defendant Hoffman Corporation failed to comply with the appropriate  
14 handling process and the industry standards for proper disposal of hazardous  
15 substances.

16          180. Defendant Southwest Suburban Sewer District knew or should have  
17 known about the appropriate handling process and the industry standards for the  
18 proper disposal of hazardous substances.

19          181. Defendant Southwest Suburban Sewer District failed to comply with  
20 the appropriate handling process and the industry standards for proper disposal of  
21 hazardous substances.

22          182. The PLPs have yet to determine their respective percentage of liability  
23 for those clean-up costs.  
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**FIRST CLAIM FOR RELIEF**

**Declaratory Judgment: CERCLA**

183. Paragraphs 1 through 182 are realleged and incorporated herein by reference.

184. The Pasco Landfill Site is a “facility” within the meaning of 42 U.S.C. § 9601(9).

185. Hazardous substances as defined by 42 U.S.C. § 9601(14) were released at the facility and into the environment by the actions of the Defendants.

186. The Defendants are liable as owners, operators, transporters, and/or arrangers under 42 U.S.C. § 9607(a), for hazardous substances disposed at the Site that were released into the environment.

187. The Defendants’ releases caused Plaintiff and other PLPs to incur response costs, and continue to cause Plaintiff and other PLPs to incur response costs, as defined by 42 U.S.C. § 9601(25).

188. The remedies performed (and to be performed) at the Site, and the response costs incurred (and to be incurred) by Plaintiff are under agreements with Ecology and are consistent with the National Contingency Plan.

189. There is a present and justiciable controversy between Plaintiff and Defendants relating to liability and a fair apportionment of past and future response costs relating to the release of hazardous substances at the Site.

190. Under 28 U.S.C. §2201 et seq., and 42 U.S.C. § 9613, Plaintiff requests and is entitled to a declaratory judgment that the Defendants are liable parties under CERCLA, 42 U.S.C. § 9607(a), with respect to releases of hazardous substances at the Site, and to an equitable allocation of past and future response costs as between Plaintiff and Defendants, including an allocation of past and future response costs attributed to any “orphan entities.”



**SECOND CLAIM FOR RELIEF**

**Declaratory Judgment: MTCA**

191. Paragraphs 1 through 190 are realleged and incorporated herein by reference.

192. The Pasco Landfill is a “facility” within the meaning of RCW 70.105D.020(8).

193. Hazardous substances as defined by RCW 70.105D.020(13) were released by the actions of the Defendants.

194. The Defendants are liable as owners, operators, transporters, and/or arrangers under RCW 70.105D.040(1), for hazardous substances disposed of at the Site that were released into the environment.

195. The Defendants’ releases caused Plaintiff and other PLPs to incur remedial action costs, and continue to cause Plaintiff and other PLPs to incur remedial action costs, as defined by RCW 70.105D.020(33).

196. The remedial actions performed (and to be performed) at the Site, and the remedial action costs incurred (and to be incurred) by Plaintiff are under agreements with Ecology and are therefore department-supervised remedial actions under RCW 70.105D.080.

197. There is a present and justiciable controversy between Plaintiff and Defendants relating to liability and a fair apportionment of past and future remedial action costs relating to the release of hazardous substances at the Site.

198. Under RCW 70.105D.080 and Chapter 7.24 RCW, Plaintiff requests and is entitled to a declaratory judgment that the Defendants are liable parties under MTCA, RCW 70.105D.040, with respect to releases of hazardous substances at the Site, and to an equitable allocation of past and future remedial action costs as

1 between Plaintiff and Defendants, including an allocation of past and future  
2 remedial action costs attributed to any “orphan entities.”

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff respectfully requests the following relief:

5 1. Enter a declaratory judgment under 42 U.S.C. § 9601 et seq., 28  
6 U.S.C. § 2201 et seq., and 42 U.S.C. § 9613 that the Defendants are liable as  
7 owners, operators, transporters, and/or arrangers under 42 U.S.C. § 9607(a) for  
8 hazardous substances disposed at the Site that were released into the environment,  
9 and that Plaintiff is entitled to an equitable allocation as between Plaintiff and  
10 Defendants of necessary response costs incurred, or to be incurred, in response to  
11 the release of hazardous substances at the Site.

12 2. Enter a declaratory judgment under RCW 70.105D.080 and Chapter  
13 7.24 RCW that the Defendants are liable under RCW 70.105D.040 for hazardous  
14 substances disposed at the Site that were released into the environment, and that  
15 Plaintiff is entitled to an equitable allocation as between Plaintiff and Defendants  
16 of remedial action costs incurred or to be incurred in response to the release of  
17 hazardous substances at the Site.

18 3. An award of reasonable attorneys’ fees and costs, should Plaintiff be  
19 ruled a prevailing party under RCW 70.105D.080.

20 4. Grant such other and further relief as the Court deems just and proper.

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1 DATED this 5<sup>th</sup> day of August, 2015.

2  
3 RIDDELL WILLIAMS P.S.

4  
5 By 

6 Loren R. Dunn, WSBA #17135  
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10 Attorneys for Plaintiff Basin Disposal, Inc.  
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